

### **DETAILED ACTION**

Claims 1-9 are presented for examination on the merits.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Objection To Specification***

The specification is objected to for no reference to 371 application priority at page 1, line 1 of the instant specification. Applicants are requested to insert at page 1, line of the specification --This application is a 371 of PCT/JP04/19622, filed December 28, 2004.-- .

#### ***Preliminary Amendment***

The preliminary amendment filed July 5, 2006, has been received and entered.

#### ***Information Disclosure Statement***

The information disclosure statements (IDSs) submitted on June 30, 2009 and July 5, 2006, were received. The submissions are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "from the ore" in line 3 and "the bast fibers" in the last line. There is insufficient antecedent basis for these limitations in the claim. Claims 2-9 depend from a rejected base claim and also are encompassed by the rejection.

In addition, the term "a thickness direction" is not clear as to what it is intended to mean in the claims. What does this term mean per se? Also the claim 7 is indefinite for the recitation of "and a solid substance is collected at a position spaced apart from the bast" since it is unclear what the substance is per se and where the collection takes place and how much "space" is necessary apart from the bast.

***Claim Rejections - 35 USC § 102/103***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6 and 9 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over USP 2926391 (Haas).

Claims are drawn to method for separating bast fibers existing in bast of a plant, comprising three steps:

- 1) separating the bast plant into the base and a core;
- 2) pressing the separated bast; and
- 3) immersing the pressed bast in an aqueous solution to decompose a gum existing in the bast and bonding the fibers together.

Haas teaches method for separating bast fibers existing in bast of a plant, comprising three steps:

- 1) separating the bast plant into the base and a core (see columns 1-2, bridging lines 69-72 and 1-5, respectively);
- 2) pressing the separated bast (see column 3, lines 5-24 and column 4, lines 28-40); and
- 3) immersing the pressed bast in an aqueous solution to decompose a gum existing in the bast (see column 4, lines 8-15) and bonding the fibers together.

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The claims are identical to the cited disclosure, and are, therefore, considered to be anticipated by the teachings therein. Bonding the fibers together will inherently occur based upon the impact of the pressure placed upon the fibers during processing as disclosed by Haas. Also note that the washing comprises washing a defibered bunch, note col. 2, lines 22-23. Further, rollers are disclosed by Haas of which perform the pressing step. The washing will inherently apply pressure since jet sprays of cleaning fluid are used to wash the bast fibers. Note col. 4, lines 10-11. A conveying means or conveyor are clearly disclosed. Since Haas discloses that fibers which are rendered are of greater length the longitudinal direction of the bast cut is inherent to the disclosed process, note col. 2, lines 47-48.

However, in the alternative that there is some difference between the cited disclosure of Haas and the claims then such difference is considered to be so slight as to render the claims obvious over Haas alone. It would have been obvious to perform the steps as claimed because each step is disclosed in the cited prior art or is at least suggested. To obtain a thickness direction, as well as a longitudinal direction, is clearly intrinsic to the reference because pressed fibers would have been at least expected to possess a thickness along the long fibers and to further be pressed in a given direction and at different angles. Also treatments occur in channels (e.g. containers, note col. 4, lines 1-4). The claims are alternatively considered to be prima facie obvious over the cited prior art.

***Claim Rejections - 35 USC § 103***

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas, as cited and discussed above, in view of JP 2001-336022 English Abstract, cited on enclosed PTO-1449 Form.

Claims are further drawn to the bast being immersed or washed in an aqueous solution containing microorganisms that can decompose the gum, and the solution is circulated so as to flow in the bast portion and promotes aeration and collection of substance in a restricted position.

Haas is discussed above.

JP English Abstract teaches microbial treatment of basts to separate the fiber from the cores to collect bast fiber, note abstract.

Claims differ from Haas since microorganisms are not disclosed.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include in the method disclosed by Haas the microbial treatment of JP in order to process bast for the added benefit of degrading gum material from the bast fibers during washing. Clearly the microorganisms are recognized to be useful for treating and processing bast fibers and to include them would have been expected to provide beneficial and successful results. The method of Haas would have been expected to have been improved by their presence and to further decompose the gums at a faster rate. To put the bast in a container for immersion and rotation in a solution containing the microorganisms is clearly an obvious modification of the cited prior art. The claims are, therefore, prima facie obvious over the cited prior art.

All claims fail to be patentably distinguishable over the state of the art discussed above and cited on the enclosed PTO-892 and/or PTO-1449. Therefore, the claims are properly rejected.

The remaining references listed on the enclosed PTO-892 and/or PTO-1449 are cited to further show the state of the art.

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE K. WARE whose telephone number is (571)272-0924. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Deborah K. Ware/

Deborah K. Ware

Examiner

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